

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

LEK SECURITIES CORPORATION,  
SAMUEL LEK, VALI MANAGEMENT  
PARTNERS dba AVALON FA LTD,  
NATHAN FAYYER, and SERGEY  
PUSTELNIK,

Defendants.

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: Case No. 17-CV-1789(DLC)  
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: **DECLARATION OF DAVID**  
: **J. GOTTESMAN IN**  
: **SUPPORT OF PLAINTIFF’S**  
: **MOTION IN LIMINE**  
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I, David J. Gottesman, declare as follows:

1. I am admitted *pro hac vice* as counsel for plaintiff Securities and Exchange Commission (the “SEC”) in this action.
2. I have personal knowledge of the facts presented in this declaration based upon my review of documents relevant to this litigation. I respectfully submit this declaration in support of the SEC’s Motion in Limine to Preclude Avalon Defendants From Offering Evidence of References to (1) Opinions About Investigations, and (2) Alleged Hardships.
3. Attached hereto as **Exhibit 1** is a genuine and authentic copy of a FINRA Letter of Acceptance, Waiver and Consent regarding Serge Pustelnik, dated January 2015.
4. Attached hereto as **Exhibit 2** are excerpts from the transcript of the deposition of Serge Pustelnik, taken March 20 and 21, 2018.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on: September 13, 2019.

/s/ David J. Gottesman  
DAVID J. GOTTESMAN

**CERTIFICATE OF SERVICE**

I hereby certify that on September 13, 2019, a true and correct copy of the above document was served on all counsel of record by filing this document using the CM/ECF system.

/s/ David J. Gottesman